

Winston & Strawn LLP  
101 California Street  
San Francisco, CA 94111-5894

Douglas W. Hall (Admitted *Pro Hac Vice*)  
FORD & HARRISON LLP  
1300 Nineteenth Street, N.W., Suite 700  
Washington, DC 20036  
Telephone: 202-719-2065  
Facsimile: 202-719-2077  
Email: [dhall@fordharrison.com](mailto:dhall@fordharrison.com)

Robert Spagat (SBN: 157388)  
WINSTON & STRAWN LLP  
101 California Street  
San Francisco, CA 94111-5894  
Telephone: 415-591-1000  
Facsimile: 415-591-1400  
Email: [rspagat@winston.com](mailto:rspagat@winston.com)

Attorneys for Defendant  
SKYWEST AIRLINES, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

SKYWEST PILOTS ALPA ORGANIZING  
COMMITTEE, et al.,

Plaintiffs,

vs.

SKYWEST AIRLINES, INC.,

Defendant.

**Case No. C-07-2688 CRB**

**DECLARATION OF TODD EMERSON IN  
SUPPORT OF OPPOSITION TO MOTION  
FOR PRELIMINARY INJUNCTION**

Judge: Hon. Charles R. Breyer

Action Filed: May 22, 2007

1           1. I reside in St. George, Utah. I am employed by SkyWest Airlines, Inc., in the  
2 position of General Counsel – Operations. I base this declaration on my personal knowledge and  
3 information maintained by SkyWest in the ordinary course of business. If called upon to testify to  
4 the facts contained in this declaration, I could and would do so competently.

5           2. SkyWest is a regional air carrier headquartered in St. George, Utah. It operates as  
6 Delta Connection, United Express and Midwest Connect and serves 140 cities, in 39 states, and 3  
7 Canadian provinces. SkyWest employs approximately 10,000 employees, including 2,651 pilots.

8           3. Since the late 1980s, SkyWest has worked with employee committees or associations  
9 who represent the interests of the various departments within the company. One of these, the  
10 SkyWest Airline Pilots Association (“SAPA”), represents the interests of our pilots, and has done so  
11 for over 10 years.

12           4. Years ago, SAPA and SkyWest management negotiated the Crewmember Policy  
13 Manual (“CPM”), which sets forth the pay scales and policies and working conditions of the pilots.  
14 SkyWest has agreed, in writing, that it would not make changes to the CPM without SAPA’s  
15 approval. Since then, SAPA and SkyWest have negotiated various changes to the CPM. SAPA and  
16 SkyWest also have negotiated regarding pilot compensation from time to time. Pilot compensation  
17 proposals must be ratified by the SkyWest pilot group as a whole.

18           5. The Air Line Pilots Association, International (“ALPA”) has long targeted SkyWest’s  
19 pilots for unionization, running at least two unsuccessful campaigns in the past. The SkyWest Pilots  
20 ALPA Organizing Committee informed us in mid-2006 about the current ALPA organizing drive.

21           6. SkyWest has not instituted any “campaign” of any sort in response to the current  
22 ALPA organizing effort. We have not sent out any communications or information to the pilots  
23 addressing the issue in any way, nor have we held any meetings with pilots to discuss the ALPA  
24 drive or the company’s views on it. SkyWest’s relationship with SAPA has not changed in any way  
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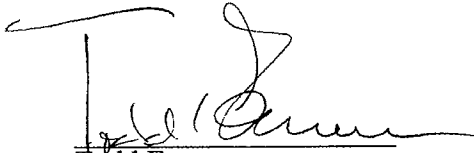
1 since the ALPA campaign began, nor has SkyWest advertised SAPA to the pilots as an alternative to  
2 ALPA.

3         7. In the fall of 2006, I received a call from pilot Andy Bharath, who complained that  
4 the uniform policy was being selectively enforced, and that the Company was only prohibiting  
5 ALPA lanyards. I responded that non-standard lanyards of all types are prohibited by our uniform  
6 policy, but that I would look into his concerns. I did so, and confirmed that the policy was being  
7 applied to all non-standard lanyards. I then had a follow-up call with Mr. Bharath to discuss this and  
8 other matters. Mr. Bharath had two additional pilots and an ALPA attorney participate in the call as  
9 well. They stated that they were still seeing nonconforming lanyards being worn in the system,  
10 which to them seemed like selective enforcement. I informed them that with more than 2500 pilots  
11 and less than 20 chief and assistant chief pilots, it is extremely difficult to know about and enforce  
12 all lanyard violations. I then asked them that if they saw anyone wearing a nonconforming lanyards,  
13 or a chief pilot engaged in selective enforcement, to please report it to me and I would take care of it.  
14 I never received any follow up complaints from them, or anyone else for that matter, regarding  
15 alleged discriminatory enforcement regarding lanyards.  
16

17  
18         8. SkyWest employees are free to discuss unions and union issues. In fact, the  
19 company's intranet site contains forums that have several union threads that have been up and  
20 running for two years, without the company removing them. One thread is entitled "We Should  
21 Start A Union" which was posted by an employee in December 2005. According to the counter on  
22 the page, the thread has been viewed 11,709 times with 208 replies posted by other employees, one  
23 as recently as May 24. Employees are free to post whatever they want about unions, pro or con.  
24 The only time a posting would be removed by the company is if it was profane or involved a  
25 personal attack on another employee - not for viewpoint.  
26  
27  
28

1           9.       Employees also are free to discuss union issues in crew lounges and other non-work  
2 areas during non-work time. SkyWest does not, and has not attempted to, prohibit, ban or limit such  
3 conversations.  
4

5  
6           I declare under penalty of perjury under the laws of the United States of America that the  
7 foregoing is true and correct to the best of my knowledge and belief, and this declaration was  
8 executed this 29th day of May, 2007, in St. George, Utah.

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12           Todd Emerson  
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